

UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF CALIFORNIA

CYMEYON HILL,

Plaintiff,

v.

GOVERNOR NEWSOM, et al.,

Defendants.

No. 2: 20-cv-1652 KJM KJN P

ORDER

Plaintiff is a civil detainee, proceeding without counsel, with a civil rights action pursuant to 42 U.S.C. § 1983. On November 6, 2020, this action was dismissed without leave to amend for failure to state a cognizable claim for relief and judgment was entered. Order (Nov. 6, 2020), ECF Nos. 14; Judgment, ECF No. 15.

On November 17, 2020, plaintiff filed a pleading which is docketed as “objections” to the November 6, 2020 order dismissing this action. Obj., ECF No. 17. The court construes plaintiff’s November 17, 2020 pleading as a request for relief from judgment pursuant to Federal Rule of Civil Procedure 60(b). Under Rule 60(b), the court may relieve a party or its legal representative from a final judgment, order or proceeding for the following reasons:

(1) mistake, inadvertence, surprise, or excusable neglect;

(2) newly discovered evidence that, with reasonable diligence, could not have been discovered in time to move for a new trial under Rule 59(b);

(3) fraud (whether previously called intrinsic or extrinsic), misrepresentation, or misconduct by an opposing party;

(4) the judgment is void;

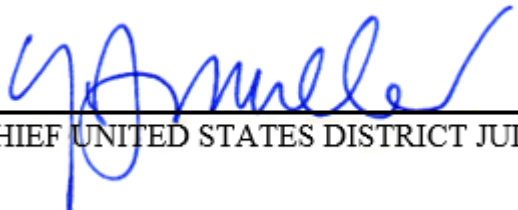
(5) the judgment has been satisfied, released, or discharged; it is based on an earlier judgment that has been reversed or vacated; or applying it prospectively is no longer equitable; or

(6) any other reason that justifies relief.

Fed. R. Civ. P. 60(b). The contentions in plaintiff's November 17, 2020 pleading do not make the showing required for relief under any provision of Federal Rule 60(b). In particular, plaintiff has not shown that the defects in his complaint could be cured by amendment.

Accordingly, IT IS HEREBY ORDERED that plaintiff's objections, ECF No. 17, are construed as a request for relief from judgment, and, so construed, the request is denied.

DATED: February 22, 2021.

  
CHIEF UNITED STATES DISTRICT JUDGE